

Minutes of the regular meeting of the Fairfax City Council on Tuesday, December 9, 2003, at 7:00 p.m., in Council Chambers at Fairfax City Hall.

Members Present:

Mayor Lederer and Councilmembers Cross, Greenfield, Lyon, Rasmussen, Silverthorne and Winter.

Members Absent:

None.

Invocation.

Councilwoman Cross gave the invocation.

Pledge of Allegiance.

The Mayor led the Council in the Pledge of Allegiance.

Presentations and Proclamations.

The Mayor presented a proclamation for the 45th Anniversary of the Central Fairfax Chamber of Commerce to Clair Luke, President and Bruce Jennings, Vice Chairman.

The Mayor presented a proclamation to the parents of Katie Ridd for her outstanding participation on the NCAA Wake Forest Division I Championship field hockey team.

The Mayor presented proclamations to Sarah Godlewski, Cameron Livsey and Catherine Hoots for their participation in the Witch Watch Program this past Halloween.

Adoption of the agenda.

Councilman Silverthorne moved adoption of the agenda.

Councilman Greenfield seconded the motion, which carried unanimously by voice vote.

Presentations by the public on any item not subject to public hearing.

Mr. David Hughes, President, Farrcroft Homeowners Association spoke about the gates at Farrcroft. He said the operating times of these gates are listed in the proffer. The selection of the times for the gates to be open was initially based on rush hour traffic and actual findings show excessive cut through traffic was observed all hours of the day, weekends, and especially when there is an event in downtown Fairfax. There are two primary concerns of the community. The first concern is for the safety of the homeowners, safely crossing the roads and backing out of their driveways. There are vehicles speeding through their development at all hours of the day and night. The second is the financial concern for the upkeep of the roads with additional traffic on them. The association is responsible for the upkeep of the roads and feels the additional traffic will impact their maintenance fund, which was based on the traffic from within the development. He said the association is requesting to set the gate times at the discretion of the homeowners association, which should resolve these concerns.

Mr. Jerry O'Dell, 3920 Bradwater Street, spoke about campaigning on a pro-life platform; the reappointment of the Planning Commission Chair, Cathy Pumphrey; the last candidate night from the last City Council election; the Feast of Juan Diego; the Feast of the Immaculate Conception; the connection between Christopher Columbus and Our Lady of Guadalupe; and the legislative proposals.

Consent agenda.

Councilwoman Lyon moved adoption of the following consent agenda:

- Agenda item #6a, Consideration of the reappropriation of capital project funds for fiscal year 2003/04;

And for agenda item #6a, she moved approval of the suggested motion in the staff report.

Councilman Rasmussen seconded the motion.

The Mayor asked if anyone wished to abstain or object to this item.

No one did.

The Mayor called for a vote on the motion, which carried unanimously by voice vote.

Public hearing and Council action on an ordinance amending Articles II and III of Chapter 66 of the City Code pertaining to changes in the Retirement Plan for City employees.

This public hearing was properly advertised in the December 1, 2003 issue of *The Washington Times*.

Councilmember Rasmussen said he has been advised by the City Attorney to excuse himself from the matter because he has a family member that has a potential involvement in this issue.

The City Manager said this is an item that has received extensive discussion and presentations before the City Council. The recommendations are listed in the staff report and there are several staff members that will answer any questions.

The Mayor opened the public hearing and invited the public to speak.

Mr. Joel Hendelman, Chairman, Retirement Committee, spoke about the proposed changes to the retirement ordinance. He said these proposals are the result of four years of fact gathering and intense research by the members of the retirement committee, private consultants and City staff.

Mr. Hendelman acknowledged members of the Retirement Committee that were present, Councilwoman Lyon; City Manager, Bob Sisson; Larry Brock, Personnel Director; David Hodgkins, Director, Finance; and Dave Tucker, Public Safety Representative. He said Earnie Hawkins and Steve Wright, General Employee Representatives were not able to be here; along with Jeff Cauley, the Retirees Representative and Mr. Jamil Ahmed, the Citizen Representative.

Mr. Hendelman said at times the scope and the nature of the research was quite overwhelming. He said the committee persevered and the results of their efforts were a copulation of proposals that were presented to the Council earlier this year.

Mr. Hendelman said as a result of September 11, 2001 financial conditions changed very drastically during the course of the project. He said the funds for which the retirement committee has fiduciary oversight have, for the most part, performed much better than average. The annual actuary statements have been prepared and forwarded to senior staff, Mayor and Council members each year, which support the funds performance.

Mr. Hendelman spoke about a document that was provided to Council this evening. He said this is an analysis of the retirement plan and a snapshot of the retirement funds as it relates to our financial stability. It is good news and he wanted to share it with all this evening.

Mr. Hendelman said he believes the retirement proposals before Council provide options and flexibility as they deliberate on what is appropriate, reasonable and prudent relating to recruitment and retention of career employees. He said he recognizes and understands the impact of the decisions that lay ahead of the Council this evening. On behalf of the Retirement Committee he said he wanted to take this opportunity to

personally thank each and every one of you for allowing us the opportunity to participate in the process and appreciates the sincere interest, commitment and concern as it relates to the proposed retirement system changes to the City of Fairfax employees and the citizens of this great community.

The Mayor said on the behalf of the City Council how much they appreciate the work that he has done as the Chair and the work of the entire committee. He said we all understand the commitment and focus of the committee and the time involved on both sides of this equation.

Ms. Sharon Leasure, Chairman, Commission for Women, acknowledged the members of the Commission for Women that were present; Ms. Zinta Rodgers, Ms. Jennifer Cooper, Ms. Norma Darcey, and Ms. Annette Kane. She said the members of the Commission for Women unanimously support granting retirement benefits to part-time City of Fairfax employees. She said they believe this is a woman's issue, many part-time employees, such as crossing guards and bus drivers are women who seek part time employment opportunities because they wish to be at home when their own children return home from school. Both women and men that work part-time wish to engage in their children's activities and to be available for assistance with homework and school projects. She said because of their involvement with their families and their community they build up the livable City of Fairfax to be proud of.

Ms. Leasure said other jurisdictions such as the City of Alexandria, Fairfax County, Arlington County, and the City of Falls Church all offer part-time employees retirement benefits. She said the City of Fairfax should follow the lead of these other municipalities. For all of the above reasons the Commission sincerely hopes the City Council will support the inclusion of part-time employees in its retirement program.

Mr. Joseph Beck said his family has resided at 3623 Bevan Drive for over thirty-one years. He said his purpose is to also ask for the inclusion of part-time employees in the City retirement plan. The crossing guards are a relatively small amount of people with huge responsibility. The guards safely assist our school children to and from school by crossing many busy intersections and they are out in all types of weather and environmental conditions. Another group of part-time employees is the Cue Bus drivers. The City is known for its wonderful transit system for transporting City residents and students of George Mason University. He said there are also many other part-time employees that do a very valuable service for the City.

Mr. Beck thanked the Council for the opportunity to express his opinions tonight. He wished all a happy and joyous holiday season.

Ms. Ruth Beacom, 10606 Norman Avenue, said she lives within in a few blocks of three schools. She said several times a week she passes by at least one of these schools either at the start or close of the school day and for years has been impressed with the professionalism and efficiency of the crossing guards to both children and drivers. She said with the increase of traffic and children in this area she now considers this job a

“hazardous occupation.” When there is a vacancy for a crossing guard the police department must fill in. She said at a recent police chief advisory meeting, Chief Rappaport mentioned that a part-time position as a traffic enforcement officer has been vacant for six months, presumably due to competition from a better paying jurisdictions.

Ms. Beacom said part-time employees serve the City in other vital areas besides crossing guards and Cue Bus drivers. She said some of the other jobs that are filled by part-time employees are in engineering, human services and the cable TV station. Some of these employees are responsible for entire City programs and have been giving their expertise for a number of years; their jobs are their careers. In many cases full-time employees often rely on part-time employees as support staff. Recruiting and retaining part-time employees would surely be easier if the City provides pension benefits.

Ms. Beacom said often at Council meetings she has heard the Mayor and Council members praise and thank City staff for their efforts on certain projects, which is well deserved. These are full and part-time employees.

Ms. Beacom said the Mayor is far too young and fit to pass as an authentic Santa Claus and it would be a fine and deserving Christmas and Hanukah gift to retain a portion of pension benefits in the retirement package for part-time employees.

Ms. Wilma, Huff, 10730 West Drive, said she is a full time employee for the City and urged the Council to let the part-time employees have retirement benefits.

Ms. Louise Armitage, the part-time Human Services Coordinator since 1989 for the City of Fairfax said she has had a great deal of difficulty deciding whether or not to come before Council this evening. She said it is much easier for her to advocate on behalf others than it is for herself.

Ms. Armitage said she believes that it is very important for Council to formally hear from at least one of the part-time employees and that is why she has decided to speak. She said it is true that she was aware when she came to work for the City there were no retirement benefits, however since that time the employment scenario has drastically changed. There has been a proliferation of work life benefits, some examples of these are: job sharing, flextime, compressed workweeks and tele commuting.

Ms. Armitage said all but one of the surrounding jurisdictions besides the City of Fairfax offers part-time employees access to retirement benefits. Keeping pace with the needs of today's workforce is a must for the City. She said the majority of the part-time employees are women, with many of them having dependent children. Some of the City's part-time pool began as full-time employees who seized the opportunity to convert to part time when their children were born and others of us took significant cuts in salary to work for the City in order to work part-time to accommodate our family and civic obligations. Attracting the brightest and the best work force is surely the goal of the City. Offering part-time employees good salaries and benefits will ensure this will occur. More over part-time employment benefits the City through reduced costs of employee

turnover with retention of workers who have City specific knowledge and enhanced worker productivity. She said workers are more productive because of employee loyalty, commitment, and morale is boosted when employees believe that they are valued. The City's image is enhanced in the eye of the general public when it demonstrates that it cares and offers these benefits to all of its employees.

Ms. Armitage said it has been a privilege for her to work for the City. Over the past fourteen years she said she feels she has made a significant investment in the City and also believes that the City derived a significant benefit from her employment. She said part-time work involves an enormous financial sacrifice of pay and benefits and knows well that the City has limited financial resources and Council is trustee of those funds. All of the part-time employees are the service providers in the City. Service has always been the distinguishing hallmark of the City of Fairfax from all of the other municipalities. She thanked them for the opportunity to speak.

Mr. Jerry O'Dell, 3920 Bradwater Street, said historically employers have relished part-time employees to save cost at the workers expense by avoiding health, retirement or other types of benefits, which is grossly unjust. Mr. O'Dell talked about the information provided in the staff report.

The Mayor closed the public hearing.

Councilwoman Lyon moved that the City Council approve the ordinance amending identified sections of Article II, Chapter 66 of the City Code pertaining to the retirement plan for General employees as amended to exclude all provisions that apply to part time employees. She further moved that the part time provisions as proposed be reconsidered by City Council no later than November 1, 2004. Issues to be considered during that period will be:

1. Approving the benefits of: the future of no contribution to the day of employment.
2. The retention issues relating to the part time employees, identification of a list of solutions such as a salary structure, bonuses and other benefits.
3. Study a separate pay structure for public safety personnel.
4. Any other issues that may be identified by Council or City staff.

Councilman Silverthorne seconded the motion.

Councilwoman Lyon said she is very pleased that we have gotten this far on the retirement plan and thanked the members of the committee and the staff for all the hard work they have done. She said she is also pleased to know that the City takes very good care of their employees and reminds everyone that we did give a five percent raise across the board and some received a seven percent raise for this past year and Fairfax County did not do that for their employees.

Councilwoman Lyon said she knows that it is disappointing to some of the employees in the City; she has looked at the situation for many months and is happy to be where we are today.

Councilwoman Cross asked Councilwoman Lyon to go back over the items to be studied.

Councilwoman Lyon said she would like to look at whether we contribute to the day of employment or from this day forward, the retention issues, a separate pay scale, and any other issues that may be identified by City Council or staff.

Councilwoman Cross feels an extension of this issue for another year is too excessive. She said she agrees with Councilwoman Lyon to look at the issue on the beginning date to be used, the retention is a non-issue, and feels the separate pay scale is a separate issue that doesn't have to do with retirement. In her mind she said November 2004 is too generous and feels that we should make a decision by the first meeting in February.

Councilwoman Lyon said the motion says no later than November 1, 2004. She said she does believe that it is an issue about the separate pay scales and would like to take a look at that.

Councilman Silverthorne asked Councilwoman Cross if she would be satisfied with March 1, 2004 as the deadline date.

Councilwoman Cross said yes.

Councilman Silverthorne moved to amend the motion to "no later than March 1, 2004."

Councilman Greenfield seconded the motion.

Councilman Silverthorne said we owe it to the employees that are waiting for a decision to make that decision by March 1, 2004.

The Mayor called for a vote on the amendment to the main motion, which carried unanimously by voice vote. (Councilman Rasmussen was absent for the vote.)

Councilman Silverthorne said he thinks this is very important and would like to commend Councilwoman Lyon and the Retirement Committee for all their hard work. He said we are focusing on a small part, realizing this is not small for the people that are affected, but ninety percent of this plan will go through tonight, which impacts the vast majority of our employees. The City Council is committed to addressing the remaining ten percent by March 1, 2004.

Councilwoman Lyon moved that the City Council approve the ordinance amending identified sections of Article II, Chapter 66 of the City Code pertaining to the retirement plan for Public Safety employees.

Councilman Silverthorne seconded the motion.

The Mayor called for a vote on the motion, which carried unanimously by voice vote. (Councilman Rasmussen was absent for the vote.)

Councilmember Rasmussen returned to the dais.

Public hearing and Council action on an appropriation resolution in the amount of \$50,000 to design and construct a trail adjacent to the Providence Square Condominiums that will connect Sager Avenue to Main Street.

This public hearing was properly advertised in the December 1, 2003 issue of *The Washington Times*.

The City Manager gave the staff report, which is incorporated into the record by reference. He said this item is to set the funds aside for the construction of the trail.

The Mayor opened the public hearing and invited the public to speak.

Hearing none, the Mayor closed the public hearing.

Councilwoman Lyon moved that the City Council adopt an appropriation resolution in the amount of \$50,000 to design and construct a trail adjacent to the Providence Square Condominiums that connect Sager Avenue to Main Street.

Councilman Greenfield seconded the motion.

Councilwoman Lyon said she hoped her colleagues would vote yes on this. She said the residents of Providence Square Condominiums really need this trail, many people cut through this property to get to Main Street.

The Mayor called for a vote on the motion, which carried unanimously by voice vote.

Public hearing and Council action on an ordinance vacating by deed of vacation on existing storm drainage easement previously granted to the City of Fairfax, Virginia, over property currently owned by William S. and Pamela R. Burns, described as City Tax Map No. 47-4-07-I-036, 10017 Blue Coat Drive, Fairfax, Virginia.

This public hearing was properly advertised in the December 1, 2003 issue of *The Washington Times*.

The City Manager gave the staff report, which is incorporated into the record by reference.

The Mayor opened the public hearing and invited the public to speak.

Hearing none, the Mayor closed the public hearing.

Councilmember Winter moved to adopt an ordinance vacating by Deed of Vacation that certain existing storm drainage easement previously granted to the City of Fairfax, Virginia, over property currently owned by William S. and Pamela R. Burns, described as City Tax Map No. 47-4-07-I-036, 10017 Blue Coat Drive, Fairfax, Virginia.

Councilman Silverthorne seconded the motion.

The Mayor called for a vote on the motion, which carried unanimously by voice vote.

Public hearing and Council action for the approval of the revisions to the Solid Waste Management Plan.

This public hearing was properly advertised in the December 1, 2003 issue of *The Washington Times*.

John Veneziano, Director of Public Works gave the staff report, which is incorporated into the record by reference. He said this is a requirement of the Department of Environmental Quality to be updated every five years. There are minor changes since the last adoption of the plan five years ago.

Councilwoman Cross asked if there is a plan to boost the recycling percentage in the City.

The Director of Public Works said as it becomes more economical to recycle different new materials, finding people that are not recycling and encouraging them to recycle, and pursuing participation from the small businesses would help to boost the percentage.

Councilman Silverthorne said he has had some questions about the declining value of recyclables. He said he would like to know, over the course of this next budget, the cost benefit from an environmental standpoint and also the cost benefit in terms of putting this in our solid waste facilities versus recycling.

The Director of Public Works said he would have those figures available.

Mr. Jerry O'Dell, 3920 Bradwater Street asked if a new area could be created to offset the loss of the lot, which was formerly a mulching site, where the new post office is.

The Mayor closed the public hearing.

Councilwoman Lyon moved that the City Council adopt a resolution approving the revised Solid Waste Management Plan.

Councilman Greenfield seconded the motion.

The Mayor called for a vote on the motion, which carried unanimously by voice vote.

Public hearing and Council action on a recommendation to the General Assembly to amend Sections 5.1 and 5.2 of the Charter of the City of Fairfax to create a ceiling for salaries for the Mayor and City Council as permitted in the Virginia Code Section 15.2-1414.6.

This public hearing was properly advertised in the November 28, 2003 issue of *The Washington Times*.

Vivian Baltz, Assistant City Manager, gave the staff report, which is incorporated into the record by reference. This amendment is designed to change the cap on the Mayor and City Council salaries of the Charter of the City of Fairfax to the cap in accordance with the Code of Virginia.

The Mayor opened the public hearing and invited the public to speak.

Hearing none, the Mayor closed the public hearing.

Councilman Silverthorne moved to adopt a resolution requesting the General Assembly to amend Sections 5.1 and 5.2(e) of the City Charter to provide that the annual salary of each member of the City Council and the Mayor shall be set in accordance with Code of Virginia Section 15.2-1414.6.

Councilman Greenfield seconded the motion.

Councilman Silverthorne said he wanted the public to understand this action. This allows us to amend the City Charter to be in accordance with the Code of Virginia to cap the salaries of the Mayor and Council. He said this action does not raise Council's salaries that would take a separate action, which would affect the future council.

The Mayor called for a vote on the motion, which carried unanimously by voice vote.

Consideration of adoption of the City's legislative program.

Vivian Baltz, Assistant City Manager, gave the staff report, which is incorporated into the record by reference. She said this was discussed in detail in the work session last week. The City's number one priority item is the joint position it is taking with the School Board regarding education funding.

Councilwoman Lyon moved approval of the 2004 Legislative Program.

Councilmember Winter seconded the motion.

The Mayor called for a vote on the motion, which carried unanimously by voice vote.

Consideration of a request by Farrcroft Homeowners Association to extend hours of use for Farrcroft gates.

Planner Drew-Coleman gave the staff report, which is incorporated into the record by reference. She said the Board of Directors for the Farrcroft Homeowners Association requests the City Council to exercise a provision in the proffer that allows the City Council to extend or reduce the hours. Staff is recommending that City Council consider giving the homeowners association the authority to determine the appropriate hours provided that at a minimum the gates remain closed during rush hours.

Councilmember Winter asked who would decide the hours the gates will be open.

Planner Drew-Coleman said the proffer actually states the Home Owners Association could approach the City Council with a request to extend or reduce the hours; it would be the association's prerogative as to who would make that decision.

Councilmember Winter asked if the applicant was proposing hours now.

Planner Drew-Coleman said they want to extend the hours for twenty-four hour activation.

Planning Director, David Hudson said the Board of Directors for the Home Owners Association is requesting to control the operation of the gates. He said staff's recommendation is to allow the Board of Directors to have the discretion to operate the gates as they see fit. He said Planner Drew-Coleman earlier noted the error in the wording of the sample motion for denial, which had "as recommended by staff" this, was put on the wrong motion.

The Mayor said he wanted to make sure of the intent of the staff recommendation is basically to get the City Council out of this process.

Director Hudson said yes.

Councilmember Winter asked if there is anyone in the community that is against this.

Planning Director Hudson said staff solicited all of the homeowners and received back correspondence from nine homeowners. He said there were seven in favor and two opposed.

Councilman Greenfield asked if these are the new gates. He said at one time the gates were not operational and they were having problems.

Planner Drew-Coleman said yes these are the new gates.

Councilwoman Lyon asked if there were a type of disaster and we were unable to use Main Street from TJ Maxx to Safeway, would staff be able to route traffic through Farrcroft.

Director Hudson said that was a good question, and directed the question to the City Attorney.

City Attorney William Roeder said the Board of Director of Farrcroft would make that decision because it is a private street.

Councilwoman Lyon asked if we could change the motion that would allow us to or the staff to change the operation of the gates for public emergencies.

The City Attorney said you could amend the motion.

Councilman Silverthorne asked if the Mayor or City Manager had emergency powers in reference to the private street issue.

The City Attorney said no, the control is based on the proffer.

Councilman Silverthorne said he was part of the Council that approved Farrcroft and remembers the debate about cut through traffic. He said he did not want the roads to connect and is unsure how this became a proffer. He said we should have never accepted this as a proffer.

Councilman Greenfield said the way we got to this point was when we worked with the developer we wanted only one entrance and that did not work. The next solution was to cul-de-sac both ends, which did not work. Council put this in the hands of staff to come up with a proposal that prevented this cut through traffic with the best proposal being the use of the gates. He said the reason we put it as a proffer is to make sure that it actually happened.

Councilman Greenfield moved that the City Council approve the request of the Farrcroft Homeowners Association Board of Directors, by David Hughes, President, to allow the homeowners association to extend or reduce the hours when the traffic control gates are operational, as it deems appropriate, provided that the gates remain operational, at a minimum, between the hours of 6 a.m. to 9 a.m. and 4 p.m. to 6 p.m.

Councilmember Winter seconded the motion.

The Mayor called for a vote on the motion, which carried unanimously by voice vote.

Comments by City Council.

Councilwoman Cross hopes everyone has had an opportunity to visit our Winter Wonderland. She said she would like to thank Councilwoman Lyon who spent enormous amounts of time on this project and her efforts are evident in what you see in Kitty Pozer Park. She also wanted to thank Leslie Herman and others at the Parks and Recreation Department for their efforts in making this a beautiful site to partake in the holidays in the City of Fairfax. Happy holidays.

The Mayor said he would like to thank both Councilwoman Cross and Councilwoman Lyon who have really spearheaded this wonderful approach to celebrating Christmas in Fairfax.

The Mayor said with this being a first time event it is always difficult to get the word out. He said there are a lot of resources tied up in this event and realizes there are two weekends left to get the word out. He asked if there are any things that you think the Council should consider to help promote this event.

Councilwoman Lyon said she has asked staff to do reverse 911 with a message. She said she would like anyone that is listening tonight to remember that it is open on Friday from 4:00 p.m. to 8:00 p.m. and there are no lines for Santa Claus. The hours on Saturday and Sunday are from 3:00 p.m. to 8:00 p.m. There are refreshments and plenty of things to do including pictures with Santa.

Councilwoman Cross asked if the City Council was going to sing Christmas carols one evening.

Councilwoman Lyon said she was hoping to get the City Council to agree.

Councilman Greenfield said he would like to wish the listening audience, staff, and his colleagues and their families a Merry Christmas and a happy and prosperous 2004.

Councilman Rasmussen wished everyone happy holidays.

Councilman Silverthorne said last evening we held the kick-off meeting for the 2005 City Bicentennial Celebration. He said a large portion of the meeting was devoted to information sharing and getting acclimated to a very exciting festive 2005 for the community. He said he appreciated the Mayor, and Councilmembers Cross, Lyon and Winter being in attendance. Former Councilmember Pat Rodio is co-chairing the Commission with him. The next meeting will be in early February 2004 and will keep the Council apprised of the progress. He said he looks forward to the input and advice of his colleagues and the community so feel free to e-mail or call him.

Councilman Silverthorne said he wished the community, staff, and his colleagues a happy and safe holiday.

Councilwoman Lyon said she would like to commend Councilwoman Cross on the tourism initiative Destination Fairfax that happened this week in which she attended a reception with all of the writers that came to the City of Fairfax to write about the city.

Councilwoman Lyon said she wanted to thank staff for all the work for the Festival of Lights. She said it was more than just the Parks and Recreation Department and Public Works, a lot of the staff worked very hard to make this happen. She has hopes to continue this tradition next year.

Councilwoman Lyon said she received some e-mails about early morning snow blowers and tree cutting. She asked staff to research the noise ordinance and inform the City Council of what these hours are to review for possible adjustment. Another issue that came up was inquires about the width of a walkway on Stratford Avenue to consider having that made smaller. Councilwoman Cross asked the Planning Director to check on this walkway and inform Council of what the agreement is with the contractor.

Director Hudson said he would get back to her with the information.

Councilwoman Lyon said happy holidays, happy new year, be safe, be healthy and may you have much love in your life.

Councilmember Winter reminded everyone that December 20, 2004 the Fairfax City Band is having their Christmas concert and it is always "standing room only" so get your tickets ahead of time. She also wanted to congratulate Councilwoman Cross on the reception for the travel writers, she said it was very nice and the food was good. After speaking with some of the writers she said they were excited about our community and felt they were going to write very nice things about the City of Fairfax.

Councilmember Winter wished everyone a Merry Christmas and happy Hanukah.

The Mayor thanked the Acting City Clerk, Rose Marie Murafka for filling in during the transition period.

The Mayor acknowledged and welcomed from the audience the new City Clerk, Mrs. Susan Rutherford.

Closed meeting to discuss a legal matter.

The Mayor moved that the City Council convene in a closed meeting pursuant to Section 2.2-3711.A.7 of the *Code of Virginia* to discuss a legal matter.

Councilman Silverthorne seconded the motion, which carried by a vote of 7-0, recorded as follows: In favor, Mayor Lederer and Councilmembers Cross, Greenfield, Lyon, Rasmussen, Silverthorne and Winter; opposed, none.

Council went into a closed meeting at 8:25 p.m., and reconvened the meeting at 9:23 p.m.

The Mayor said Council concluded its closed meeting to discuss a legal matter.

The Mayor moved that each member of Council certify that to the best of each Council member's knowledge, only public business matters lawfully exempted from the open meeting requirements in the Virginia Freedom of Information Act and only public business matters identified in the motion convening the closed meeting were heard, discussed or considered.

Councilman Silverthorne seconded the motion, which carried by a vote of 7-0, recorded as follows: In favor, Mayor Lederer and Councilmembers Cross, Greenfield, Lyon, Rasmussen, Silverthorne and Winter; opposed, none.

Adjournment.

The meeting adjourned at 9:23 p.m.

Mayor

ATTEST:

Acting City Clerk

